



Checklist for the Crime of Torture

2017



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Objectives of visiting places of detention by the Public Prosecutor:

The field visits done by the public prosecutor for places of detention and detention centers are intended to verify the legality of the persons in detention and ensuring that there is no torture used; neither physical, moral nor ill treatment. This is known as the preventive role of the prosecution members. If the public prosecutor discovers while detecting the detention places, any detained or arrested person who has been subjected to ill-treatment, any form of torture or unlawful detention, an investigation will immediately be opened in accordance with the law provisions.

Prevention

Protection

Documentation

Principles for the Public Prosecutor's visit to places of detention:

In carrying out inspection visits to places of detention and detention centers, the prosecutor shall take into consideration a number of principles, including:

1. **Good planning and preparation for the Visit:** when conducting field visits, the prosecutor shall take in consideration the need to have with him/her a clerk and a forensic doctor as well as the necessary tools to organize a report about the field visit and to take the necessary action.
2. **Confidentiality principles and privacy of the place where the visit took place.**
3. **To have a good assessment:** when conducting the field visit, the prosecutor shall have enough expertise to be able to take appropriate action when needed.
4. **Impartiality:** when conducting investigation procedures, the prosecutor should work to bring forward the facts.
5. **Respect confidentiality:** The public prosecutor shall conduct interviews with detainees/arrested in isolation from the presence of any member of the judicial police and shall respect the confidentiality of the information that may be obtained during such interviews.
6. **Accuracy and precision:** It is essential during field visits that the prosecutor collect accurate information to be able to investigate effectively, taking into consideration the difficulties in proving the crime of torture and how to overcome it.
7. **Act with integrity:** In all the public prosecutor actions, he/she shall act in accordance with the human rights standards provided by the Constitution and protected by the law.

Investigation checklist specialized for the crime of torture

Visiting Detention Centre:

1. Describe the place of detention accurately in terms of:

- Room Size

| | | | |
|-------------|--|-----------------|--|
| Appropriate | | Not appropriate | |
|-------------|--|-----------------|--|

- Crowding

| | | | |
|---------|--|-------------|--|
| Crowded | | Not crowded | |
|---------|--|-------------|--|

- Lighting and ventilation

| | | | |
|-------------|--|-----------------|--|
| Appropriate | | Not appropriate | |
|-------------|--|-----------------|--|

- Existence of tools coming out from walls and ceilings

| | | | |
|-----|--|------|--|
| Yes | | None | |
|-----|--|------|--|

- Existence of unanticipated tools in the place of detention

| | | | |
|-----|--|------|--|
| Yes | | None | |
|-----|--|------|--|

- First psychological impression of the place of detention

| | | | |
|-------------|--|---------------|--|
| Comfortable | | Uncomfortable | |
|-------------|--|---------------|--|

2. To take a copy of the surveillance camera record (if any).

| | | | |
|-----|--|----|--|
| Yes | | No | |
|-----|--|----|--|

3. Review the records of the place of detention to find out the time of entry to the place of detention.

| | | | |
|-----|--|----|--|
| Yes | | No | |
|-----|--|----|--|

4. Ascertaining that sanitary facilities are existing and possible to be used.

| | | | |
|-----|--|----|--|
| Yes | | No | |
|-----|--|----|--|

5. Ascertaining that there is a convenient place to sleep and shower.

| | | | |
|-----|--|----|--|
| Yes | | No | |
|-----|--|----|--|

6. Ascertaining that the prisoners are allowed to get enough sleep.

| | | | |
|-----|--|----|--|
| Yes | | No | |
|-----|--|----|--|

In Case of Alleged Torture

1. Obtaining the most information from the victim or the person suspected to be subjected to torture.

| | | | |
|------|--|----------|--|
| Done | | Not done | |
|------|--|----------|--|

2. Description and confiscation of the tools used in torture, if any, to send for laboratory examination.

| | | | |
|------|--|----------|--|
| Done | | Not done | |
|------|--|----------|--|

3. Accurate description of the torture incident

| | | | |
|------|--|----------|--|
| Done | | Not done | |
|------|--|----------|--|

4. Description of the physical injury, moral abuse and ill-treatment.

| | | | |
|------|--|----------|--|
| Done | | Not done | |
|------|--|----------|--|

5. Investigating the identity of the persons involved in the torture incident.

| | | | |
|------|--|----------|--|
| Done | | Not done | |
|------|--|----------|--|

6. Photographing the victim and controlling the documentation of that.

| | | | |
|------|--|----------|--|
| Done | | Not done | |
|------|--|----------|--|

7. Examine the exact location of where torture took place and take samples of blood, if any, or any other evidence and send it for examination, taking into account the provisions of item number 4 of the principles.

| | | | |
|------|--|----------|--|
| Done | | Not done | |
|------|--|----------|--|

8. Transferring the victim to medical and legal examination.

| | | | |
|------|--|----------|--|
| Done | | Not done | |
|------|--|----------|--|

9. Hearing the testimony of persons detained with the victim.

| | | | |
|------|--|----------|--|
| Done | | Not done | |
|------|--|----------|--|

10. Transferring the assaulted person to psychiatry, if needed.

| | | | |
|------|--|----------|--|
| Done | | Not done | |
|------|--|----------|--|

11. Results of anatomy and examination of tissues in case of death.

| | | | |
|------|--|----------|--|
| Done | | Not done | |
|------|--|----------|--|

12. Duration of detention after arrest.

| | | | |
|------|--|----------|--|
| Done | | Not done | |
|------|--|----------|--|

13. The presence of a medical examination of the person when first arrested to determine whether the injuries were prior the arrest and detention.

| | | | |
|------|--|----------|--|
| Done | | Not done | |
|------|--|----------|--|

